

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: DMCA SECTION 512(h))
SUBPOENAS TO GODADDY.COM,) MISC. ACTION NO. _____
LLC AND CLOUDFLARE, INC.)

**INNOVATION REFUNDS LLC’S REQUEST TO THE CLERK FOR
ISSUANCE OF SUBPOENAS TO GODADDY.COM, LLC
AND CLOUDFLARE, INC. PURSUANT TO
17 U.S.C. § 512(h) TO IDENTIFY ALLEGED INFRINGER(S)**

Innovation Refunds LLC (“Innovation Refunds”), through its undersigned counsel of record and pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h), hereby requests that the Clerk of Court issue a subpoena to GoDaddy.com, LLC (“GoDaddy”) and Cloudflare, Inc. (“Cloudflare”) to assist Innovation Refunds in identifying an alleged infringer or infringers (the “DMCA Subpoena”). The proposed DMCA Subpoenas are attached hereto as Exhibits A and B.

The DMCA Subpoenas are directed to service providers GoDaddy and Cloudflare. GoDaddy is the registrar and Cloudflare is the hosting provider for the domain ercusa.biz (hereinafter, the “Domain”). The Domain copied Innovation Refunds’ website, including, but not limited to, its text, images, and color scheme, all of which are protected by copyright laws. The copying and posting of Innovation

Refunds’ website infringes copyrights held by Innovation Refunds in those materials (the “Infringing Content”). *See* Declaration of Karen Anapoell at ¶ 2, a copy of which is attached as Exhibit C.

Innovation Refunds satisfies the requirements for issuance of these subpoenas pursuant to 17 U.S.C. § 512(h) because its request to the Clerk of Court contains the following materials: (1) Innovation Refunds’ DMCA notification required by 17 U.S.C. § 512(c)(3)(A), a copy of which is attached as Exhibit D; (2) the proposed DMCA Subpoenas (Exhibits A and B); and, (3) a sworn declaration confirming that the purpose for which the DMCA Subpoenas is sought is to obtain the identity of the alleged infringer or infringers, and that such information will only be used for the purpose of protecting Innovation Refunds’ rights under Title 17 U.S.C. § 512(h)(2) (Exhibit C).

Because Innovation Refunds has complied with the statutory requirements, Innovation Refunds respectfully requests that the Clerk expeditiously issue and sign the proposed DMCA Subpoenas pursuant to 17 U.S.C. § 512(h)(4) and return it to undersigned counsel for service on the subpoena recipients.

Dated this 18th day of April, 2023.

CARLTON FIELDS, P.A.

/s/ Gail Podolsky
Gail Podolsky

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